

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONALD D. JOHNSON,

Plaintiff,

v.

SMITH COUNTY, TENNESSEE; and
JOHNNY C. BANE, individually
and in his official capacity as Sheriff
of Smith County, Tennessee,

Defendants.

NO. 2:05-0049
JUDGE HAYNES


ORDER

In accordance with the Memorandum filed herewith, the Defendant Johnny C. Bane's motion for summary judgment (Docket Entry No. 11) is **GRANTED**. This action is **DISMISSED with prejudice** as to Defendants Smith County, Tennessee and Johnny C. Bane in his individual and official capacities.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 28th day of October, 2005.


WILLIAM J. HAYNES, JR.
United States District Judge